

## APPROVED MINUTES

### KITTERY TOWN COUNCIL

May 27, 2015

COUNCIL CHAMBERS

1. Call to Order

Vice Chair White called the meeting to order at 7:00 P.M.

2. Introductory

Vice Chair White read the introductory.

3. Pledge of Allegiance

Vice Chair White led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Councilors Russell White, Frank Dennett, Chuck Denault, Judy Spiller, Jeffrey Pelletier and Ken Lemont.

5. Agenda Amendment and Adoption –

Vice Chair White stated he wanted to add a new item L under new business to postpone the 2016 Public Budget Meeting to a Special Meeting on June 15<sup>th</sup>.

6. Town Manager's Report –

Acting Town Manager Place read a letter from a resident commending the preschool program in Kittery.

7. Acceptance of Previous Minutes – None

8. Interviews for the Board of Appeals and Planning Board – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None

10. PUBLIC HEARINGS -

a. (050315-1) The Kittery Town Council moves to hold a public hearing pursuant to Section 6.11(2) of the Town Charter to approve and ordain a 3 year waste handling agreement with EcoMaine.

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Vice Chair White indicated that this public hearing was advertised as necessary in the local, printed media. Vice Chair White then opened the public hearing, and no response being heard closed the public hearing.<sup>1</sup>

**COUNCILOR DENNETT MOVED TO APPROVE AND ORDAIN A THREE YEAR WASTE HANDLING AGREEMENT WITH ECOMAINE, SECONDED BY COUNCILOR PELLETIER.**

Councilor Dennett stated that the changes to the agreement were only received that day and did not have enough time to review them.

**COUNCILOR DENNETT MOVED TO POSTPONE ACTION ON THIS ITEM UNTIL JUNE 8, SECONDED BY COUNCILOR SPILLER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

b. (050315-2) The Kittery Town Council moves to hold a public hearing on an application from Michael Prete, 35 Sampson Road, Rochester, NH for a Victualer's License for Blind Pig Provisions, LLC, 2 Badgers Island West.

Vice Chair White indicated that this public hearing was advertised as necessary in the local, printed media. Vice Chair White then opened the public hearing, and no response being heard closed the public hearing.

**COUNCILOR DENNETT MOVED TO APPROVE AN APPLICATION FROM MICHAEL PRETE, 35 SAMPSON ROAD, ROCHESTER, NH FOR A VICTUALER'S LICENSE FOR BLIND PIG PROVISIONS, LLC, 2 BADGERS ISLAND WEST, SECONDED BY COUNCILOR PELLETIER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

c. (050315-3) The Kittery Town Council moves to hold a public hearing on an application from Kate's Bakery and Café, LLC, 1 Badgers Island West, Kittery, ME for a Victualer's License for Kate's Bakery and Café, 1 Badgers Island West.

Vice Chair White indicated that this public hearing was advertised as necessary in the local, printed media. Vice Chair White then opened the public hearing, and no response being heard closed the public hearing.

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<sup>1</sup> Chairperson Thomson arrived at 7:38 PM

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**COUNCILOR SPILLER MOVED TO APPROVE AN APPLICATION FROM KATE'S BAKERY AND CAFÉ, LLC, 1 BADGERS ISLAND WEST, KITTERY, ME FOR A VICTUALER'S LICENSE FOR KATE'S BAKERY AND CAFÉ, 1 BADGERS ISLAND WEST, SECONDED BY COUNCILOR PELLETIER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

d. (050315-4) The Kittery Town Council moves to hold a public hearing on a renewal application of Capital Video Corporation, 44 Bedson Road, Cranston, RI for a Viewing Booths License for Amazing.net, 92 Route 236.

Vice Chair White indicated that this public hearing was advertised as necessary in the local, printed media. Vice Chair White then opened the public hearing, and no response being heard closed the public hearing.

**COUNCILOR PELLETIER MOVED TO APPROVE A RENEWAL APPLICATION OF CAPITAL VIDEO CORPORATION, 44 BEDSON ROAD, CRANSTON, RI FOR A VIEWING BOOTHS LICENSE FOR AMAZING.NET, 92 ROUTE 236, SECONDED BY COUNCILOR SPILLER.**

Councilor Denault stated that there were ongoing problems on the premises and would be voting no on this item. Vice Chair White stated that he would like to hear from the police department on the issues going on. Councilor Dennett noted they could postpone action as long as the license did not expire in the meantime. Vice Chair White stated they would hold off on acting on this item until later in the meeting to get clarification as to when the license expired.

### 11. Discussion

#### a. Discussion by members of the public –

Vice Chair White read a letter received from Jessie Bennett relative to problems going on at Rogers Park. It was noted that people were bringing their animals to the park and letting them run off their leash and not picking up after them. Ms. Bennett asked that the Park ban dogs or set a specific timeframe as to when they were allowed in the park. Councilor Dennett responded that he would like to hear from the Parks Commission on this matter.

#### b. Response from Chairperson –

### 12. UNFINISHED BUSINESS - None

### 13. NEW BUSINESS

#### a. Donations/gifts received for Council disposition - None

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b. (050315-5) The Kittery Town Council moves to authorize the location of a sign inside the public right-of-way at 22 Route 236, as described in the April 13, 2015 proposal prepared by PTE Precision Machine.

**COUNCILOR PELLETIER MOVED TO AUTHORIZE THE LOCATION OF A SIGN INSIDE THE PUBLIC RIGHT OF WAY AT 22 ROUTE 236, AS DESCRIBED IN THE APRIL 13, 2015 PROPOSAL PREPARED BY PATTEN TOOL & ENGINEERING, INC. D/B/A PTE PRECISION MACHINING, CONDITIONED ON COMPLIANCE WITH ALL ASPECTS OF TOWN CODE AND THAT THE SIGN BE NO CLOSER THAN 40 FEET FROM THE CENTER LINE OF ROUTE 236, SECONDED BY COUNCILOR DENAULT.**

Councilor Dennett stated his issues with this item and noted that he thought this might want to be postponed until those were ironed out.

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

10 d. (continued from above)

Acting Town Manager Place noted that the license would expire on June 9<sup>th</sup>.

**COUNCILOR DENNETT MOVED TO POSTPONE ACTION ON THIS ITEM UNTIL JUNE 8<sup>TH</sup>, SECONDED BY COUNCILOR DENAULT.**

**A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR LEMONT OPPOSED. MOTION PASSES 6/1.**

c. (050315-6) The Kittery Town Council moves to approve a one day extension of the premise on the current liquor license for the Black Birch, from 9 AM – 10 PM for the Kittery Block Party on June 20, 2015.

**COUNCILOR SPILLER MOVED TO APPROVE A ONE DAY EXTENSION OF THE PREMISE ON THE CURRENT LIQUOR LICENSE FOR THE BLACK BIRCH, FROM 9 AM – 10 PM FOR THE KITTERY BLOCK PARTY, SECONDED BY COUNCILOR PELLETIER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

d. (050315-7) The Kittery Town Council moves to approve a renewal application from Suzanne's Village Café & Bistro, LLC, 373 Southside, York. ME for a Malt, Spirituous and Vinous Liquor License for Misto!, 436 Route 1.

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**COUNCILOR SPILLER MOVED TO APPROVE A RENEWAL APPLICATION FROM SUZANNE'S VILLAGE CAFÉ AND BISTRO, LLC, 373 SOUTHSIDE, YORK, ME FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR MISTO!, 436 ROUTE 1, SECONDED BY COUNCILOR PELLETIER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

e. (050315-8) The Kittery Town Council moves to approve the annual renewal list for Victualers licenses.

**COUNCILOR SPILLER MOVED TO APPROVE THE ANNUAL RENEWAL LIST FOR VICTUALER'S LICENSES, SECONDED BY COUNCILOR PELLETIER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

f. (050315-9) The Kittery Town Council moves to approve the annual renewal list for the Amusement Devices licenses.

**COUNCILOR PELLETIER MOVED TO APPROVE THE ANNUAL RENEWAL LIST FOR AMUSEMENT DEVICE LICENSES, SECONDED BY COUNCILOR SPILLER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

g. (050315-10) The Kittery Town Council moves to approve the disbursement warrants.

**CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR PELLETIER.**

**A VOICE CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

h. (050315-11) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Kittery Community Center Board of Directors, to interview Jean Lincoln for her re-appointment to that board until 5/30/18.

**CHAIRPERSON THOMSON MOVED TO REAPPOINT JEAN LINCOLN TO THE KITTERY COMMUNITY CENTER BOARD OF DIRECTORS FOR A TERM ENDING 5/30/18, WITHOUT THE BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR DENAULT.**

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**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

i. (050315-12) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Educational Scholarship Selection Committee, to interview George Dow for appointment to that board until 2/8/18.

**COUNCILOR DENNETT MOVED TO APPOINT COUNCILOR LEMONT TO MEET WITH THE CHAIR OF THE EDUCATIONAL SCHOLARSHIP SELECTION COMMITTEE, TO INTERVIEW GEORGE DOW FOR APPOINTMENT TO THAT BOARD UNTIL 2/8/18, SECONDED BY COUNCILOR PELLETIER.**

**A VOICE CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

j. (050315-13) The Kittery Town Council moves to appoint Peter Whitman to the Port Authority until 8/31/18 to fill the unexpired term of Dan Arbo.

**COUNCILOR WHITE MOVED TO APPOINT PETER WHITMAN TO THE PORT AUTHORITY UNTIL 8/31/18 TO FILL THE UNEXPIRED TERM OF DAN ARBO, SECONDED BY COUNCILOR DENAULT.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

k. (050315-14) The Kittery Town Council moves to appoint a councilor to the Kittery Community Center Board of Directors until 3/26/18 to fill the unexpired term of Jeff Thomson.

**COUNCILOR SPILLER MOVED TO REAPPOINT JEFF THOMSON TO THE KITTERY COMMUNITY CENTER BOARD OF DIRECTORS UNTIL 3/26/18, WITHOUT THE BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR PELLETIER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

l. The Kittery Town Council moves to postpone the FY '16 Budget Public Hearing until a Special Meeting on June 15<sup>th</sup> at 7:00 P.M.

**COUNCILOR SPILLER MOVED TO POSTPONE THE FY'16 BUDGET PUBLIC HEARING UNTIL A SPECIAL MEETING ON JUNE 15<sup>TH</sup> AT 7:00 P.M., SECONDED BY COUNCILOR PELLETIER.**

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**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

### 14. COUNCILOR ISSUE OR COMMENT

Councilor Dennett indicated that the records in the Planning Department were not in good order and hoped they would start to keep them in better shape.

Councilor Denault stated that he and Councilor Lemont had attended the Boy Scouts Alumni Meeting at the Lions Club earlier that day. He continued that he was disappointed that the Portsmouth Herald did not run an article it as he had requested.

Councilor Lemont noted that property taxes were due on May 31<sup>st</sup> which was a Sunday. He asked if people paid the following Monday if any late fees or interest would be accrued. The Board indicated that they would not.

### 15. COMMITTEE AND OTHER REPORTS

#### a. Communications from the Chairperson –

Chairperson Thomson stated they had received a letter from Comcast which included a check for the franchise fee.

#### b. Committee Reports –

Chairperson Thomson noted at the last KCC meeting, they had voted unanimously to begin work on a three year contract for a community garden.

Councilor Spiller stated relative to the Wood Island Committee, that they had met with WILSSA. She continued there was a maritime heritage grant for which they would need a maintenance plan. Councilor Spiller stated that WILSSA had presented a plan but that Wood Island thought it was not the time for that and they were proposing to develop a maintenance plan with the Town Manager. Councilor Dennett noted that he was opposed to any town funds going towards this project. Councilor Spiller responded that any plan would have to come before Council to be acted on.

### 16. EXECUTIVE SESSION – None

### 17. ADJOURNMENT

**COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:07 P.M.**